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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 12-09-2005

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WRIT PETITION No.19131 OF 2005

Between:

V.Srinivas Chary and another . . .Petitioners

And

The Regional Joint Director of School Education,

Hyderabad, and others . . .Respondents

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O R D E R:

The petitioners were selected and appointed as Secondary Grade Teachers in the third respondent school, which is admitted to grant-in-aid. Inasmuch as the selection of the petitioners was against aided vacancies, the third respondent submitted proposals before the first respondent for according approval. Through his proceedings, dated 20-12-1999, the first respondent rejected the cases of the petitioners for approval on the ground that they did not undergo their studies in Hindi Medium. Aggrieved thereby, the petitioners filed WP.No.4449 of 2000 before this Court.

Through order, dated 21-12-2004, this Court disposed of the said writ petition observing that the stand taken by the first respondent, vis-à-vis, the petitioners, is not correct and that the condition relied upon by the first respondent would apply only to the teachers appointed in Elementary Schools and not High Schools. Therefore, the first respondent was directed to consider the matter afresh. Pursuant to the directions issued by this Court, the first respondent passed fresh orders, dated 27-07-2005, rejecting the cases of the petitioners on

the same ground namely, that they did not study in Hindi Medium. The said proceedings are challenged in this writ petition.

Sri V.Srinivas, the learned counsel for the petitioners submits that once this Court has recorded a specific finding to the effect that the condition of study in Hindi Medium does not apply to the cases of the petitioners, there was absolutely no justification for the first respondent in rejecting their cases on the same ground, once again. He further submits that the impugned order discloses the lack of regard to the orders of this Court on the part of the first respondent.

The learned Government Pleader for School Education, on the other hand, submits that the first respondent referred to the relevant G.O., which dealt with the qualifications, and no exception can be taken to it.

On the earlier occasion, the first respondent rejected the cases of the petitioners for approval only on the ground that they did not study in Hindi Medium. Petitioners filed WP.No.4449 of 2000 and this Court in its order dated 21-12-2004, made the following observation in relation to the same.

> "On a plain reading of the said Government order, it is evident that it only pertains to the Elementary School but not to High School. Further, all these aspects have not been taken into consideration before passing any orders. Despite the orders, one more opportunity should be given to the petitioners to appraise them in these aspects and the matter can be reconsidered afresh."

Once a clear finding was recorded by this Court to the effect that the condition of study in Hindi Medium applies only to the Elementary Schools and not to the High Schools, the first respondent ought not to have applied that criterion to the cases of the petitioners. However, in the impugned order, the first respondent, once again, referred to the same G.O. namely, G.O.Ms.No.1129, Education, dated 28-09-1981, and observed as under:

> "The L.M.G. High School, Begum Bazar is Hindi Medium School and Srinivasa Chary and Arunavathi did not study in Hindi Medium or not studied Hindi as 1st language in S.S.C. as on the date of interview. As per rules, no teacher should be appointed to teach through a language as medium of instruction, unless he/she studies through that language as medium of instruction at

the SSC level or had taken that languages as the 1st language of study at High School stage."

On the face of it, the view taken by the first respondent amounts to contempt of this Court. But for the fact that the learned Government Pleader for School Education had impressed upon this Court that suitable amendments would be made in the entire process, this Court would have initiated *suo motu* contempt proceedings against the first respondent. The petitioners cannot be subjected to repeated litigation and they cannot be made to go around the Courts, even after their cases have been determined by this Court on an earlier occasion. This Court takes serious objection to the attitude exhibited by the first respondent and warns him to be careful hereafter. It is also made clear that in case, he repeats the same performance, he would be dealt with seriously.

The writ petition is accordingly allowed and the impugned order is set aside. The first respondent is directed to pass fresh orders following the letter and spirit of the orders passed by this Court in WP.No.4449 of 2000, dated 21-12-2004, within fifteen days from the date of receipt of a copy of this Order.

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(L.NARASIMHA REDDY, J)

12th SEPTEMBER, 2005.

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